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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,348	10/14/2003	Dale W. Malik	190250-1330	7196
38823 7590 06/08/2007 THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP/ BELLSOUTH I.P. CORP 100 GALLERIA PARKWAY SUITE 1750 ATLANTA, GA 30339			EXAMINER HUSSAIN, TAUQIR	
			ART UNIT 2152	PAPER NUMBER
			MAIL DATE 06/08/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/686,348	Applicant(s) MALIK, DALE W.	
	Examiner Tauqir Hussain	Art Unit 2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04/06/2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/14/2003, 01/11/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

1. This action is responsive to amendment is filed on April 04, 2007. Claims 1- 10, 14, 17, 19 and 20 are amended. Claims 1-22 are pending in this application.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

3. Claim 1, is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: how message is transmitted from sender to a recipient, there has to be a middleware e.g. proxy, in between sender and recipient which is not disclosed in the claim.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 5 and 9-12, 14, 18-20 and 22, are rejected under 35 U.S.C 103(a) as being unpatentable Lee et al. (Pub. No.: US 2003/0233265 A1), hereinafter "Lee" in view of Arnold et al. (Pub. No.: US 2004/0093428 A1), hereinafter "Arnold".

6. As to claims 1 and 10, A communication method comprising:

receiving an instant messaging (IM) message from a sender to a recipient (Lee, [0057, lines 1-4, where instant message is sent to user who will receive the instant message);

waiting a predefined time interval for an input from the recipient, the input being responsive to the IM message ([0060, lines 3-5]);

determining whether input from the recipient is received during the predetermined time interval (Lee, [0060, lines 5-7], where determination is made to go to next step after not receiving any input from the recipient); and

in response to determining that no input from the recipient is received during the predetermined time interval (Lee, [0060, lines 5-7], where it is established that there is no response to IM message).

Lee is silent on automatically replying to the IM message in the absence of an input from the recipient. However, Arnold discloses, automatically replying to the IM message in the absence of an input from the recipient (Arnold, Fig.3, Fig.4, [0048, lines 6-15], where auto reply to instant messaging is well know and inherent according to the description).

Therefore it would have been obvious to one ordinary skilled in the art at the time the invention was made to combine the teachings of Lee with the teachings of Arnold to provide routing accuracy for an electronic message intended for a recipient.

7. As to claims 5 and 14, Lee discloses the invention substantially as applied to claim 1-4 and 10-13 above, including, receiving an instant messaging (IM) message from a first sender to a recipient (Lee, [0057, lines 1-4, where instant message is sent to user who will receive the instant message);

determining whether input from the recipient is received during a predetermined time interval (Lee, [0060, Fig.12, lines 5-7], where it is established that there has been no input received from during predetermined time interval);

in response to determining that no input is received during the predetermined time interval (Lee, [0060, Fig.12, lines 5-7], where it is established that there has been no input received from during predetermined time interval), determining whether the recipient is in an IM chat session with a second sender (Lee, [0048, lines 3-7], where invitee/recipient has the status indicator that he will not attend or will attend or busy with other meeting and since it is well known in the art that status can be customize as per user preferences, therefore user can select the status indication as user is busy chatting with second user). Lee is silent on automatically replying to the IM message. However, Arnold discloses, automatically replying to the IM message in response ((Arnold, Fig.3, Fig.4, [0048, lines 6-15], where auto reply to instant messaging is well know and inherent according to the description)

Therefore it would have been obvious to one ordinary skilled in the art at the time the invention was made to combine the teachings of Lee with the teachings of Arnold to provide routing accuracy for an electronic message intended for a recipient.

8. As to claims 9 and 18, is rejected for the same rationale as applied to claim 2 and 11 above.

9. As to claims 19 and 20, are rejected for the same rationale as applied to claim 1, 5, 10 and 14 above.

10. As to claim 22, Lee and Arnold discloses, the invention substantially as in parent claim 20, including, message-generation logic configured to generate a message, the message being indicative of the recipient's unavailability to engage in an IM chat session (Lee, [0048, lines 3-7], where status indicator is indicative of the recipient 's unavailability to engage in an IM chat session).

11. As to claims 2 and 11, Lee and Arnold discloses the invention substantially as in parent claim 1, including, providing a message indicating the recipient's unavailability to engage in an IM chat session (Lee, [0045, lines 8-10 where displaying status of user being taking a vacation day is indication that user's unavailability to chat on that particular day).

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12. As to claims 3 and 12, Lee and Arnold discloses the invention substantially as in parent claim 1, including, providing a message requesting the sender to wait for a predetermined time period (Arnold, [0048, lines 6-15], where sender gets the auto reply and that reply could be requesting the sender to wait for a predetermined time period e.g. I will be back in 20 minute, I am out on lunch etc. it is well know in the art to customize the auto reply).

13. Claims 4,8 and 13,17 and 21, are rejected under 35 U.S.C 103 as being unpatentable over Lee and Arnold as applied to claims 1-3 and 10-12 above in view of Glasser et al. (Pub. No.: US 2005/0108392 A1), hereinafter "Glasser".

14. As to claims 4 and 13, Lee and Arnold discloses the invention substantially as in parent claim 1 and 10, including, message indicating the recipient's unavailability to engage in an IM chat session during the corresponding predefined time interval (Arnold, [0048, lines 6-15], where sender gets the auto reply and that reply could be requesting the sender to wait for a predetermined time period e.g. I will be back in 20 minute, I am out on lunch etc. it is well know in the art to customize the auto reply). Lee and Arnold are silent on periodically providing messages, the messages being periodically provided at predefined time intervals. However, Glasser discloses, periodically providing messages ([0028, lines 8-10], where message is sent periodically), the messages being periodically provided at predefined time intervals (Abstract, lines 5-7, where message is sent periodically at a predetermined time interval).

Therefore, it would have been obvious to one ordinary skilled in the art at the time the invention was made to modify the teachings of Lee and Arnold as applied to claims 1-3 and 10-12 above with the teachings of Glasser in order to provide a system and method for detecting user operation of a user input device and providing an activity notification to other computers in a computer network.

15. As to claims 8 and 17, is rejected for the same rationale as applied to claim 4 and 13 above.

16. As to claim 21, Lee and Arnold disclose the invention substantially as in parent claim 20. Lee and Arnold, however are silent on a timer configured to track elapsed time from a receiving of an IM message. However, Glasser discloses, a timer configured to track elapsed time from a receiving of an IM message (Glasser, Abstract, where each message is measured by a timer).

17. Claims 6, 7 and 15, 16 are rejected under 35 U.S.C 103(a) as being unpatentable over Lee and Arnold in view of Manabe et al. (Patent No.: US 6,584,494 B1), hereinafter "Manabe":

18. As to claims 6 and 15, Lee and Arnold disclose the invention substantially as in parent claim 5 and 14. Lee and Arnold are however silent on waiting a predefined time interval prior to replying to the IM message. However, Manabe discloses, waiting a

predefined time interval prior to replying to the IM message (Manabe, Abstract, where detection of a keyword, judges user status based on the status of the user terminal means when recipient replies to a message sender can see the status that recipient is writing therefore sender will wait until recipient finish writing to conduct a smooth conversation in real time).

Therefore it would have been obvious to one ordinary skilled in the art at the time the invention was made to combine the teachings of Lee and Arnold as applied to parent claim 5 and 14 with the teachings of Manabe in order to provide a real-time status of a user called by a keyword is reported, so as to support smoothly conducting conversations held in real time.

19. As to claims 7 and 16, Lee, Arnold and Manabe discloses the invention substantially as in parent claim 5 and 14, including, indicating to the first sender that the recipient is engaged in an IM chat session with the second sender (Manabe, Col.1, lines 55-60, where another application could be a chat session with second user).

Response to Arguments

20. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tauqir Hussain whose telephone number is 571-270-1247. The examiner can normally be reached on 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571 272 3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

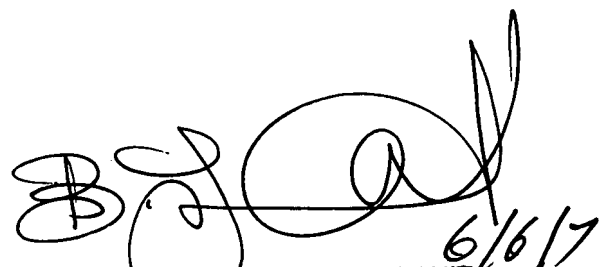
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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TH



BUNLOB JAROENCHONWANIT
SUPERVISORY PATENT EXAMINER

6/6/17